



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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April 28, 2025

VIA ECF

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

MEMO ENDORSED  
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Re: Adam Elder et al. v. The City of New York et al., 25-CV-1923 (RMB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney for defendant City of New York ("City") in the above-referenced matter. Defendant writes to respectfully request an adjournment of the April 29, 2025 initial pretrial conference until after the deadlines under Local Civil Rule 83.10 (the "Plan") and after the Plan mediation has occurred, as set forth below. Plaintiffs' attorneys, Gideon Oliver and Tahanie Aboushi, join in this request. I was out of the office last week due to illness, and the parties apologize for not filing this request 48 hours in advance pursuant to the Court's Individual Rules and Practices.

By way of background, plaintiffs bring this action pursuant to 42 U.S.C. §§ 1983 and 1988 alleging, *inter alia*, that on or about December 25, 2023, plaintiffs were subjected to excessive force and false arrest when plaintiffs were participating in a pro-Palestinian protest. Plaintiffs filed the instant case on March 7, 2025, and on March 10, 2025, this case was designated for participation in the Plan.

On April 24, plaintiffs provided the City with executed HIPAA compliant medical records releases and the required releases pursuant to CPL § 160.50. Consequently, pursuant to Plan, the City's response to the complaint for all properly served defendants is due to be filed by June 23, 2025. As Your Honor is aware, after the City files its answer, a number of other deadlines are triggered per the Plan. For the reasons set forth below, defendant now respectfully requests that the currently scheduled conference be adjourned until after the remaining Plan deadlines.

For the Court's consideration, the following proposed schedule based on the Plan is set forth below:

- Answer: June 23, 2025
- Meet and Confer: July 7, 2025
- Initial Disclosures: July 14, 2025
- Limited Discovery: July 21, 2025
- Settlement Demand: August 4, 2025
- Response to Settlement Demand: August 18, 2025
- Deadline to complete Mediation: September 23, 2025

The parties request that the Court adjourn the April 29 pretrial conference until after the Plan mediation has occurred. The parties thank you for your consideration of this matter.

Respectfully submitted,

/s/ Adam Bevelacqua

Adam Bevelacqua  
Senior Counsel  
Special Federal Litigation Division

**VIA ECF**

Gideon Oliver  
Tahanie Aboushi  
Attorneys for Plaintiffs

Let's keep the 4/29/25 conference at 10:30 in  
Courtroom 17B. Application denied.

SO ORDERED:

Date: 4/28/25

Richard M. Berman  
Richard M. Berman, U.S.D.J.